Applicant : David Arsenault
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Filed : October 23, 2000
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Attorney's Docket No.: 06975-063001 / Commerce 03

REMARKS

In view of the following remarks, reconsideration and allowance of this application are respectfully requested. Claims 7-11, 18-22, and 29-72 are pending in the application, with claims 7, 18, 29, 34, 43, and 52 being independent.

Applicant would like to thank Examiner Mauro and Examiner Wiley for the telephone conversations conducted on December 21, 2004 and December 22, 2004 with Applicant's representative, Kevin Greene. Applicant's representative contacted the Examiners to inquire as to the status of the reply filed on October 1, 2004 in response to the Office Action dated May 28, 2004. As of December 22, 2004, Applicant has not received any response from the Patent Office regarding this reply. Given the pending deadline of December 28, 2004 to file the appeal brief, and out of concern to prevent additional extension of time fees, Applicant's representative contacted the Examiners to determine the status of this case. Examiner Mauro indicated that the reply had not yet been placed on his docket and he could therefore not issue an action. Examiner Wiley indicated that he would have Examiner Mauro review the reply and contact Applicant's representative about what action he would take once this item was placed on his docket.

Examiner Mauro contacted Applicant's representative on December 22, 2004 once he had reviewed the reply. Examiner Mauro indicated that the reply would be considered non-compliant because the listing of claims, while not required because no claims were amended, nevertheless incorrectly stated the wrong status for claims 40, 41, 42, 49, 50, and 51. Accordingly, a supplemental reply that is compliant would be needed. Accordingly, Applicant is submitting this supplemental reply with the corrected status of the claims and the remarks that were presented in the reply filed October 1, 2004.

Examiner Mauro also indicated that he would enter the supplemental reply, but would not consider the reply as placing the application in condition for allowance.

Rejections Under 35 USC 102

Claims 7, 8, 11, 18, 19, 22, 29, 30, 33, and 61-72 stand rejected as anticipated by U.S. Patent No. 6,490,602 (Kraemer). Kraemer, however, does not describe or suggest using a requested destination resource as the basis for providing toolbar functionality and, consequently, does not provide for all of the features of independent claims 7, 18, and 29.

Claim 7 is directed to a method of processing a browser request from a browser executing on a computer. According to the claim 7 method, a browser request from the browser executing on the computer is intercepted. *When the browser request specifies a selected destination network resource*, a display of the browser is split into at least two sections, the selected destination network resource is displayed in a first of the two sections, and a toolbar is displayed in a second of the two sections. Claims 18 and 29 recite similar features.

Kraemer describes a system in which a client device 120 connects to an enhanced functionality server 100. The user can then use a browser to request webpages on websites 130, with the requests first being sent to the enhance functionality server 100. The enhanced functionality server 100 retrieves the requested webpage and adds a toolbar to the webpage, which is then delivered to the browser.

However, Kraemer does not disclose that the toolbar is added to the webpage *when the browser request specifies a selected destination network resource*. Simply, Kraemer is silent with regards to applying conditions on when the toolbar is added. With regards to this feature, the Office Action points to sections of Kraemer that indicate websites 130 can be associated with vendors, but these sections do not describe providing a toolbar when the request specifies a webpage that is associated with a vendor. See Office Action, Page 3, Lines 3-5. Rather, these sections merely indicate that the websites may be websites associated with a vendor. Kraemer, Col. 2, Lines 48-50 and Lines 53-58; Col. 3, Lines 21-32. Further, as acknowledged in the Office Action, Kraemer does not describe "determining whether the destination resource [in the request] matches a selected destination resource" or "comparing the destination network resource specified to a list of selected destination resources to determine if a match exists." Office Action, Page 9, Lines 7-8 & Page 7, Lines 2-3. Nor does Kraemer describe any other techniques

that may be used to condition displaying the toolbar on the request specifying a selected destination resource. Consequently, Kraemer does not and can not disclose that the toolbar is displayed when the browser request specifies a selected destination resource.

Moreover, Kraemer suggests that the toolbar is always added to webpages once a user connects to the enhanced functionality server 100. Kraemer seeks to make the toolbar available for "*any* product or vendor" webpage the user may visit. Kraemer, Col. 3, Lines 28-29 (emphasis added). Practically, in order to do so, the toolbar would need to be provided for all webpages accessed by the user after connecting to the enhance functionality server. Thus, Kraemer does not even generally describe having conditions for when the toolbar is added to the webpage.

At least for the reasons described above, Kraemer does not provide for all of the features of independent claims 7, 18, and 29. Accordingly, independent claims 7, 18, and 29, and those claims that depend from them, are allowable over Kraemer.

Rejections Under 35 USC 103

Claims 9, 10, 20, 21, 31, 32, and 34-60 stand rejected as obvious over Kraemer in view of U.S. Patent No. 6,564,243 (Yedidia). Kraemer and Yedidia, however, do not disclose or suggest all of the presently claimed features and, even if they did, their combination is improper.

Claim 34 is directed to a method of processing a browser request from a browser executing on a computer. According to the claim 34 method, a browser request that specifies a destination network resource residing on a destination server is intercepted and a determination is made as to whether the destination network resource specified by the browser request matches at least one selected destination network resource. When the destination network resource specified by the browser request does match at least one selected destination network resource, the browser request is directed to a server other than the destination server for processing. The processing includes retrieving the destination network resource specified by the browser request, splitting a display of the browser at the computer into at least two sections, displaying the

destination network resource specified by the browser request in a first of the two sections, and displaying a toolbar in a second of the two sections. Claims 43 and 52 recite similar features.

Independent claims 34, 43, and 52 are not obvious in view of Kraemer and Yedidia, either singly or in combination, because those references, even if combined, do not provide for all of the elements of claims 34, 43, and 52. For example, the Office Action acknowledges that Kraemer does not disclose at least determining whether the destination resource specified by a browser request matches a selected destination resource and directing the browser request to a server other than the destination server when the destination resource specified by the browser request matches a selected destination resource. Office Action, Page 9, Lines 7-9.

The Office Action cites Yedidia to provide for the deficiencies of Kraemer, asserting that Yedidia discloses "comparing the browser request for the specified resource to a list of pre-selected resources to determine if external content should be added" and "directing the browser request to a server other than a destination server on which the selected destination server resides." Office Action, Page 9, Lines 10-19. To support that Yedidia discloses directing the browser request to a server other than the destination server, the Office Action asserts that Yeididia discloses directing the request to a·proxy server. *Id.*

Even if Yedidia does show these items, the rejection ignores the fact that the claims recite a process involving directing the browser request to a server other than the destination server *when the destination network resource specified by the browser request matches at least one selected destination network resource.* Yedidia describes a content injector 40 that receives requests for content. The content injector 40 applies an addition policy to the request to determine if additional content should be added to the content requested. This policy involves reviewing the request for protocol information or the type of content being requested to determine whether content should be added. If it is determined that content should be added, the content injector 40 sends a response to the request so as to initiate a session with the browser. At the same time, content injector 40 initiates a session with the destination server that has the resource identified in the request and retrieves the resource. The content injector 40 then sends the additional content and the resource to the browser.

From this, it is clear that Yedidia does not direct the request to a server other than the destination server when the resource specified by the request matches a selected resource. To the contrary, it is clear that the content injector 40 is responsible for *both* the evaluating of the addition policy and the processing when additional content is to be added. Therefore, the request is not directed to another server for processing when additional content is to be added.

Moreover, even if Kraemer and Yedidia did disclose all of the elements of the present claims, their combination is not proper. The Office Action opines that it would have been obvious to combine the addition policy of Yedidia with Kraemer "to provide a fast and easy mechanism to determine if special instructions or enhanced functionality should be added based upon the destination resource specified." However, as described above, Kraemer teaches against this by seeking to provide a toolbar for any product or vendor webpage the user may visit. If a selective mechanism were provided in Kraemer, then Kraemer's system would not be able to provide the toolbar for any product webpage the user may visit, which would contrary to the teachings and functionality of Kraemer, for the reasons discussed above. Consequently, based on a reading of Kraemer, one of skill in the art would not look to incorporate such a selective mechanism into Kraemer. Yedidia provides nothing to refute this.

The Office Action also reasons that one would combine Yedidia and Kraemer to "provide for faster content display by obtaining the content locally from one server rather than having to be redirected to another server which adds to the latency and wait time." Yet, this motivation argues against combining Yedidia and Kraemer in a way that results in the subject matter of independent claims 34, 43, and 52. In those claims, the browser request is directed to a server other than the destination server. Directing a browser request to a server other than the destination server may provide some advantages, but doing so will not reduce latency and wait time. Therefore, if one of skill in the art were looking to combine Yedidia and Kraemer to provide for faster content display by not redirecting requests, then that person would not combine them in a way that includes directing the request to a server other than the destination server as presently claimed.

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      Therefore, Kraemer and Yedidia, either singly or in combination, do not render the subject matter of claims 34, 43, and 52 obvious for at least the foregoing reasons. Accordingly, independent claims 34, 43, and 52, and those claims that depend from them, are allowable over Kraemer and Yedidia.

      Please apply any charges or credits to deposit account 06-1050.

                                           Respectfully submitted,

Date: __12/22/04__

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